

MINUTES
CITY-COUNTY COMMON
Tuesday, November 12, 2002 – 9:00 a.m.
Loren Corey Eiseley Library – 1530 Superior Street

County Commissioners Present: Bernie Heier, Common Chair; Kathy Campbell, Larry Hudkins, Ray Stevens and Bob Workman

City Council Members Present: Ken Svoboda, Common Vice Chair; Jon Camp, Jonathan Cook, Glenn Friendt, Annette McRoy and Coleen Seng

City Council Member Absent: Terry Werner

Others Present: Mayor Don Wesely, Mark Bowen, Ann Harrell and Corrie Kielty, Mayor's Office; Kerry Eagan and Gwen Thorpe, County Board Office; Deb Schorr, County Commissioner-Elect; Kent Morgan, Steve Henrichsen, Mike DeKalb and Duncan Ross, Planning Department; Allan Abbott and Mike Brienzo, Public Works; Chuck Zimmerman, Building & Safety; Lynn Johnson, Parks and Recreation; Carol Connor, John Dale and Julie Simpson, Lincoln City Libraries; Scott Holmes, Rick Thorson, Lincoln-Lancaster County Health Department; Darrell Podany, City Council Staff; Mike Rierden, Attorney; Kent Seacrest, Attorney; Virginia Harrifeld, Sub Teacher; and Cori Beattie, County Board Secretary

MINUTES

Moved by Seng, seconded by Hudkins to approve the minutes of the September 3, 2002 Common meeting. Roll call vote. Ayes: Campbell, Camp, Cook, Friendt, Heier, Hudkins, McRoy, Seng, Stevens, Svoboda, Workman. Nays: None. Motion passed 11-0. (Wesely absent for vote.)

BRIEFING ON COMPREHENSIVE PLAN AMENDMENTS

Heier stated he has a conflict of interest on a couple of the proposed amendments and will remove himself from the room during those presentations.

A summary of the Comprehensive Plan Amendments was distributed (**see Exhibit A**). Henrichsen noted the public hearings before the City Council and County Board will be on Monday, November 18th and Tuesday, November 26th, respectively. Related fact sheets have been provided to the City Council and County Board. This information is also available to the public via the Internet.

(Heier exited the room.)

In reference to Comprehensive Plan Amendment number one (CPA 02001), Henrichsen said seven square miles were added to Stevens Creek Subarea E3 to update land use, transportation, parks and recreation and utilities generally located between 84th and 120th

Streets, from south of Pioneers Boulevard to "O" Street. While the Planning Commission and Planning Department staff recommended approval of this Amendment, they both recommended denial of related proposals A and B (see Exhibit A, page 11).

(Heier returned.)

Henrichsen said Comprehensive Plan Amendment number two (CPA 02002) actually consists of fourteen separate proposals which were forwarded to the Planning Commission as part of last Spring's Comprehensive Plan process. He added several will be deferred for further review with deferred items not having public hearing before the City Council nor the County Board at this time.

Henrichsen and DeKalb briefly noted each proposal and respective recommendations by the Planning Commission and Planning Department Staff. For a complete listing of these proposals, see Exhibit A, pages 1-2.

(Heier exited the room.)

In response to Workman's inquiry regarding jurisdiction, DeKalb said proposals #2, #4, #8, #9, #11, #12 and #14 will have public hearing. If they are inside the three-mile limit, the City has jurisdiction; if outside this area, the County will have the final decision.

(Heier returned.)

Regarding proposal #8, Heier questioned the City of Waverly's position. DeKalb said Waverly did not want to approve this incompatible land use. There was also discussion about it being in a stream corridor and the Engineer had concerns about access.

Henrichsen said proposal #9 is from the Agricultural Society to change 10-12 acres from public/semi-public and greenspace to commercial at the southeast corner of N. 84th Street and Havelock Avenue. After meeting with the Ag Society, this item may be deferred or withdrawn prior to the public hearings. There were floodplain, land use and access concerns with this proposal. Hudkins noted the Ag Society sees the future potential for a restaurant/hotel at this site. With regard to the floodplain concern, Henrichsen said most of the frontage along 84th Street is outside the floodplain, while most of the frontage along Havelock Avenue is in the floodplain. There could be four or five acres along this area which would be outside the floodplain and appropriate for future development but a more coordinated plan is needed. Hudkins indicated the Ag Society will probably forego this proposal for a more specific one in the future.

Proposals #10 and #13 were withdrawn and will not have public hearing.

In reference to proposal #11, Henrichsen said any future reuse of the site (one block southeast of S. 70th and "O" Streets) should be done in a manner which reflects the historic character of the Veterans Administration campus. Office space would be appropriate.

Regarding proposal #12, Cook asked if zoning on the proposed new commercial center would be B-2 or B-5. Henrichsen said there are two separate centers. The map on page 17 of Exhibit A shows the neighborhood center to be zoned B-2. The community center designation would be up to future consideration. He added it would probably be more

appropriate for a regional center to be zoned B-5. Some light industrial zoning, or I-3, could also be a possibility in the future.

Henrichsen said proposal #14 was approved by the Planning Commission and Planning Department. This is for a limited landfill in the area of S.W. 56th Street, south of "O" Street.

Hudkins questioned why the Planning Department denied proposal #4 and if the build-through was a factor. (Heier exited the room.) DeKalb said staff recommended the current Comprehensive Plan portion be denied as to change of zone as it would be more appropriately reviewed as a package. Testimony was given to the Planning Commission whereby the applicant felt they met much of the criteria to justify the change of zone. He felt the split vote by the Planning Commission (5-4) seemed to be a reference to this testimony. Hudkins said the County Board has been very supportive of build-through criteria so that when future areas are annexed by the City those amenities can be hooked up rather conveniently. Hudkins asked how far along things were with regard to build-through criteria. DeKalb said staff is currently working on this, as well as other issues, with the hope of having something completed by June, 2003.

(Heier returned.)

With regard to the final Comprehensive Plan Amendment (CPA 02003), Henrichsen said this is a minor change to correct text regarding the description of neighborhood parks relating to the number of acres comprising a typical neighborhood park site.

BUILDING PERMITS ON FARMSTEADS WITHIN CITY'S THREE-MILE ZONING JURISDICTION

Item delayed until necessary staff in attendance.

GAS TAX LEGISLATION

Abbott updated the Common regarding his work with gas tax legislation. As a recap, he commented that in order to get more dollars into the cities from State gas tax, there would either need to be a change in the formula or a statewide increase in the tax. A two-cent increase across the State would bring in roughly an additional \$1.82 million to the City of Lincoln. He did not have a figure reflecting Lancaster County's potential increase.

Abbott said he discussed this issue with the League of Nebraska Municipalities (LNM) including both first and second-class cities. There was great interest in getting more dollars into the coffers, though, one concern was match money. Cities and counties must match a certain percentage but he did not have that number with him at this time. Another question arose about a potential impact to the lid limit. Abbott said if the additional monies are used for capital construction, they do not count against the lid. If the monies are used for maintenance or operation costs, it would go against the lid.

Abbott said he received unanimous support from both first and second class cities for proceeding with a gas tax increase. Two options were presented: a) a statewide gas tax increase; and b) ability for local agencies to raise their gas tax. Most favored a statewide gas tax approach.

Abbott indicated he has not had the opportunity to speak with the Nebraska Association of County Officials (NACO) about this issue, although, counties are generally in support. The Mayor's Infrastructure Finance Committee has also discussed this issue. He added he realizes there is no good time to ask for a tax increase and knows the Legislature is concerned that the timing is not appropriate.

Friendt said this issue was recently discussed at a joint Lincoln/Omaha City Council meeting. When asked about their support, Omaha officials were rather coy. He asked if the Omaha delegation is supportive. Abbott said the indication from their representative at the LNM meeting, which was not a representative of the Omaha City Council, gave a differing opinion. The LNM is in support but obviously Lincoln representatives cannot take on this task alone. It will take a coalition between the LNM, NACO, etc., to get this package advanced. He added he has had preliminary discussions with people within the industry and some do recognize the need for a gas tax increase.

Camp asked if anyone discussed the possibility of changing the gas tax formula as opposed to raising the tax. Abbott said it was mentioned, however, changing the formula could eventually pit communities against each other, the counties against the cities and the State against local government because as one entity gains money, the other obviously loses money. He feels changing the formula would meet much more resistance than trying to increase overall dollars. Camp said he is concerned that there has not been enough dialogue on the issue and that most citizens feel they are already paying too many taxes. Abbott said changing the formula would take years to accomplish. He emphasized that a one-cent gas tax increase to a person who drives 12,000 miles per year at 20 miles to a gallon would equal an additional \$6.00 per year in gas tax. Camp said it disturbs him to take this increased tax approach. Abbott said if the City Council would like to lead a coalition to change the formula, he would provide all the necessary information. Camp asked Abbott if he would lead such a coalition if the City Council so desired. Abbott said he would if the Mayor asked him to do so.

Workman asked how Nebraska's gas tax rate compares to other states. Abbott said he thought Nebraska was somewhere between 10th and 14th. With regard to price at the pump, Nebraska was 27th. If a two-cent per gallon increase were approved, Nebraska would jump to 6th or 7th. Camp asked Abbott to prepare a regional map with adjacent states' current gas price and tax rate.

Svoboda said he received two calls from constituents who questioned a two-cent tax increase in relation to a new \$18,000,000 Public Works campus. He inquired about the status of this project. Abbott said while project costs keep changing, the gap does not include \$18,000,000 for a new campus. Friendt asked if the campus would qualify as capital construction. Abbott said perhaps but he was not sure as it would depend on a number factors.

Campbell stated Governor Johanns convened a transportation task force which will begin meeting on November 21st. She anticipated the first half of next year will be used as a time for the group to study such things as other states, economic development strategies, aeronautical plans, road plans, etc. Public hearings are likely to be held across the State in June, July and August of 2003. The goal of the group is to also look at more dollars for highway construction.

Hudkins agreed that while energy in the United States is still cheap, the reason European countries' prices are much greater is due to higher taxes. He felt it will be a rough road ahead in terms of passing a statewide gas tax increase, although, he believes it is the best approach to take to try to increase dollars.

BUILDING PERMITS ON FARMSTEADS WITHIN CITY'S THREE-MILE ZONING JURISDICTION

Zimmerman noted a few years ago the County was made aware of some genuine safety issues in rural areas with regard to addressing. Emergency vehicles were not able to find some residences. Previously, State law had exempted farm buildings, including residences, from obtaining building permits. Also, parcels over twenty acres were oftentimes self assigned an address so there was a problem with numbers being out of order.

Seeing the necessity to improve rural addressing, Kerry Eagan, County Chief Administrative Officer, chaired a Rural Address Committee made up of representatives from various County and City departments, as well as the U.S. Post Office and other outside agencies. The Committee recommended building permits be required for residences in the County. The County Board approved such a resolution and the policy became effective on September 12, 2002.

Zimmerman said this requirement should be mirrored within the City's three-mile zoning jurisdiction. An ordinance is being prepared by the City Law Department to accomplish the same policy. He added the sole purpose for a similar policy is purely safety in terms of necessary inspections and proper addressing.

DeKalb said many people have worked on this readdressing project in the County. Driveway locations will be tied into a global positioning system so emergency vehicles know how to access a property. Notification will be sent to all residences regarding the process.

Cook asked whether County properties would be using the Lincoln street addressing system. DeKalb said this was correct. He added the County Board also offered the use of this addressing system to twelve incorporated townships within the County via an Interlocal Agreement. Camp questioned if any thought had been given to when Lincoln and Omaha boundaries meet. DeKalb said Lincoln will soon run into Waverly or Hickman. A statewide addressing system could then be utilized. There is also talk about a national addressing system. Similar problems could exist at any county line as cities continue to grow.

The next City-County Common meeting was set for Tuesday, January 14, 2003 at 8:30 a.m., at the County-City Building, Room 113.

There being no further business, the meeting adjourned at 10:00 a.m.

Submitted by,

Cori R. Beattie
County Board Secretary